

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EUGENE STRADER, SR.,

Plaintiff,

v.

GREGG FEARDAY, MRS. TRATE
and MRS. PADILLA,

Defendants.

ORDER

10-cv-55-slc

Plaintiff is proceeding in this *Bivens* action on his claims that defendants violated his equal protection rights. On April 29, 2011, plaintiff filed a “stipulated motion to dismiss” in which he states that he will dismiss his case if the remainder of his filing fee is waived. Defendants do not object to the dismissal of the case with prejudice, but leave it up to the court to decide the requested waiver of the remainder of the filing fee.

Plaintiff owes \$240.77 on his fee for filing this case. The court cannot waive this fee as it is the cost of commencing the case. Therefore, I will provide an opportunity for plaintiff to change his mind about voluntarily dismissing his case.

If plaintiff wishes to proceed with this case, he will have until May 31, 2011 to file his brief in opposition to defendants’ motion for summary judgment. Defendants may file their reply not later than June 13, 2011. Jury selection and trial is scheduled for August 15, 2011.

If plaintiff chooses to voluntarily dismiss this case with prejudice, he should advise the court not later than May 31, 2011.

ORDER

IT IS ORDERED that plaintiff Eugene Strader notify this court by May 31, 2011 if he wishes to voluntarily dismiss his case with prejudice or, in the alternative , submit his brief in opposition to defendants' motion for summary judgment. If plaintiff files a brief in opposition, defendants may file a reply not later than June 13, 2011.

Entered this 19th day of May, 2011.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge